

EXHIBIT 16



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

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NIPPON SHINYAKU CO., LTD.,

Plaintiff,

-against- C.A. No:
21-1015(GBW)

SAREPTA THERAPEUTICS, INC.,

Defendant.

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SAREPTA THERAPEUTICS, INC. and
THE UNIVERSITY of WESTERN AUSTRALIA

Defendant/Counter-Plaintiffs,

V.

NIPPON SHINYAKU CO. LTD. and
NS PHARMA. INC.,

Plaintiff/Counter-Defendants.

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VIDEOTAPED DEPOSITION of Non-Party Witness,
AMY MANDRAGOURAS, taken by the Plaintiff, pursuant to
Notice and Subpoena, held at law offices of Morgan Lewis
& Bockius LLP 1 Federal Street Boston Massachusetts
02110, on July 27, 2023, at 9:39 a.m., before a Notary
Public of the State of New York.

NIPPON SHINYAKU -against- SAREPTA THERAPEUTICS
Amy Mandragouras July 27, 2023

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<p style="text-align: right;">Page 54</p> <p>1 exon 53 -- antisense oligonucleotides directed at 2 exon 53, and that's at column 65 and 66 of the patent 3 document. 4 Q. Thank you. And how many of the antisense 5 oligonucleotides listed in Table 39 fall within the 6 genus of compounds claimed by Claim 1? 7 A. So Table 39 includes a list of antisense 8 oligonucleotides, and the claim is directed to a target 9 region. So it's a target region within annealing site 10 H53A(plus 23 to plus 47) and annealing site H53A(plus 39 11 to plus 69). So based on that annealing site recited in 12 the claim, you have the first sequence, 191, 192, 193, 13 195 in that Table 39. 14 Q. Sure, but Claim 1 includes other limitations 15 other than the -- specifying the target region, yes? 16 A. Yes, so in addition, these -- these sequences, 17 when you look at the sequence table, the Claim 1 18 requires them to be 20 to 31, and if you look at the 19 sequence table, there's a -- description of Table 39, 20 sequences from 191 to 202 are found beginning at 21 column 133 through -- SEQ ID No. 202 is on column 137 22 and 138. 23 So there are sequences in the sequence table 24 from 20 to 31 bases in length as recited in the claim. 25 Q. The antisense oligos in Table 39 do not include</p>	<p style="text-align: right;">Page 55</p> <p>1 one that is only 20 base pairs in length, correct? 2 A. The antisense oligonucleotides in Table 39 3 include antisense oligonucleotide 202, which is 20 4 nucleotides in length at column 137, 138. 5 Q. Do you mean 201? 6 A. Sorry, is that -- SEQ ID No. 200. It goes 7 over. 201. Yes, sorry, 201 is -- the typing is a 8 little bit off here. So 201 is 20, correct. 9 Q. Okay. And does 20- -- Sequence ID No. 201 10 comprise at least 12 consecutive bases of Sequence ID 11 No. 195? 12 A. No. 13 Q. So looking at -- well -- looking at Claim 1, 14 what are the characteristics of the claim genus provided 15 in Claim 1? 16 A. So I can read Claim 1. Claim 1 is directed to: 17 "An antisense oligonucleotide of 20 to 31 bases 18 comprising a base sequence that is 100 percent 19 complementary to consecutive bases with target region of 20 exon 53 of the human dystrophin pre-mRNA, wherein the 21 target region is within annealing site H53A(plus 23 22 plus 47) and annealing site H53A(plus 39 to plus 69), 23 wherein the base sequence comprises at least 12 24 consecutive bases of" -- the sequence of SEQ ID No. 195 25 is recited in the claim.</p>
<p style="text-align: right;">Page 56</p> <p>1 "In which uracil bases or thymine bases, 2 wherein the antisense oligonucleotides is the morpholino 3 antisense oligonucleotide, and wherein the antisense 4 oligonucleotide induces exon 53 skipping; or a 5 pharmaceutically acceptable salt thereof." 6 So those are the characteristics of the claimed 7 antisense oligonucleotides of Claim 1. 8 Q. Can you break that down into components? 9 A. Well, the first component of 20 to 31 bases 10 comprising a base sequence that is 100 percent 11 complementary to consecutive bases of a target region of 12 exon 53 of human dystrophin, pre-mRNA. So there is a 13 link requirement of 20 to 31 bases which can be found -- 14 support can be found in the patent specification that 15 that was the preferred length. 16 Q. What is the second component of Claim 1? 17 A. That's found at -- 18 Q. Oh, sorry. I didn't mean to interrupt you. 19 Sorry. 20 A. Column 23 about line -- line 63 with some 21 targets such as exon 19, antisense oligonucleotides as 22 short as 12 bases were able to induce exon skipping, 23 albeit not as efficient as longer (20 to 31 bases) 24 oligonucleotides. 25 So there's -- the description of that feature</p>	<p style="text-align: right;">Page 57</p> <p>1 of Claim 1 of the length of the antisense 2 oligonucleotides, that 20 to 31 bases are efficient at 3 inducing exon skipping as well as oligonucleotides as 4 short as 12 bases. 5 Q. And that passage does not discuss exon 53, 6 correct? 7 A. No, but it's -- it says with some targets such 8 as exon 19, so that's given as an example. 9 And then the target region of exon 53 -- so the 10 concept of a target region is also described -- sorry, 11 I'm having trouble finding -- it was under a subheading, 12 if I recall. Oh, sorry, it was back where I was. I 13 apologize for the delay. 14 So -- okay. It's column 24, line 61: 15 "Preferably, the present invention aims to provide 16 antisense molecules capable of binding to a selected 17 target region in the dystrophin pre-mRNA to induce 18 sufficient exon skipping." 19 Q. I don't see the word "region" in there. 20 A. Binding to a selected target -- and then at 21 column 25, about line 11: 22 "Within the context of the present invention, 23 preferred target site(s), target sites, are those 24 involved in mRNA splicing (i.e., splice, donor sites, 25 splice acceptor sites or exon splicing enhancer</p>

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<p>1 Thank you.</p> <p>2 MS. LO: I have nothing to recross.</p> <p>3 MR. SUMMER: Witness will reserve the</p> <p>4 right to read and sign.</p> <p>5 MS. LO: How much time was spent</p> <p>6 on this?</p> <p>7 THE VIDEOGRAPHER: We have spent six</p> <p>8 hours and 24 minutes on the record. The time</p> <p>9 is now 5:19 and we're off the record. Thank</p> <p>10 you, everyone.</p> <p>11 (Time Noted: 5:19 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 A C K N O W L E D G M E N T</p> <p>2</p> <p>3 STATE OF NEW YORK)</p> <p>4) ss</p> <p>5</p> <p>6 COUNTY OF)</p> <p>7</p> <p>8 I, AMY MANDRAGOURAS, hereby certify that I</p> <p>9 have read the transcript of my testimony taken under</p> <p>10 oath in my deposition of the 27th day of July, 2023;</p> <p>11 that the transcript is a true, complete and correct</p> <p>12 record of my testimony, and that the answers on the</p> <p>13 record as given by me are true and correct.</p> <p>14</p> <p>15 _____</p> <p>16 AMY MANDRAGOURAS</p> <p>17 Signed and subscribed to before</p> <p>18 me, this _____ day</p> <p>19 of _____, 2023.</p> <p>20</p> <p>21 _____</p> <p>22 Notary Public, State of New York</p> <p>23</p> <p>24</p> <p>25</p>																																																
<p>1 C E R T I F I C A T E</p> <p>2 STATE OF NEW YORK)</p> <p>3) ss.:</p> <p>4 COUNTY OF QUEENS)</p> <p>5</p> <p>6 I, BROOKE E. PERRY, a Notary Public</p> <p>7 within and for the State of New York, do hereby</p> <p>8 certify:</p> <p>9 That AMY MANDRAGOURAS, the witness</p> <p>10 whose deposition is hereinbefore set forth, was</p> <p>11 duly sworn by me and that such deposition is a</p> <p>12 true record of the testimony given by such</p> <p>13 witness.</p> <p>14 I further certify that I am not related</p> <p>15 to any of the parties to this action by blood</p> <p>16 or marriage; and that I am in no way interested</p> <p>17 in the outcome of this matter.</p> <p>18 IN WITNESS WHEREOF, I have hereunto set</p> <p>19 my hand this 27th day of July, 2023.</p> <p>20</p> <p>21 <i>Brooke E. Perry</i></p> <p>22 BROOKE E. PERRY</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 ERRATA SHEET</p> <p>2 CASE NAME: NIPPON SHINYAKU CO., LTD. V. SAREPTA</p> <p>3 THERAPEUTICS, INC.</p> <p>4 DATE OF DEPOSITION: August 6, 2023</p> <p>5 WITNESS'S NAME: AMY MANDRAGOURAS</p> <table border="1"> <thead> <tr> <th>PAGE</th> <th>LINE (S)</th> <th>CHANGE</th> <th>REASON</th> </tr> </thead> <tbody> <tr><td>7</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>16</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>17</td><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p>18</p> <p>19</p> <p>20 AMY MANDRAGOURAS</p> <p>21 SUBSCRIBED AND SWORN TO BEFORE ME</p> <p>22 THIS _____ DAY OF _____, 20____.</p> <p>23 _____</p> <p>24 (NOTARY PUBLIC) MY COMMISSION EXPIRES:</p> <p>25</p>	PAGE	LINE (S)	CHANGE	REASON	7	_____	_____	_____	8	_____	_____	_____	9	_____	_____	_____	10	_____	_____	_____	11	_____	_____	_____	12	_____	_____	_____	13	_____	_____	_____	14	_____	_____	_____	15	_____	_____	_____	16	_____	_____	_____	17	_____	_____	_____
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